

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C.20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)
 20 October 2000 (20.10.00)

International application No.
 PCT/US00/08031

Applicant's or agent's file reference
 7489/3M

International filing date (day/month/year)
 24 March 2000 (24.03.00)

Priority date (day/month/year)
 25 March 1999 (25.03.99)

Applicant

PANANDIKER, Rajan, Keshav et al

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
07 September 2000 (07.09.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Manu Berrod

Telephone No.: (41-22) 338.83.38

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

15

Applicant's or agent's file reference 7489/3M	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/08031	International filing date (day/month/year) 24/03/2000	Priority date (day/month/year) 25/03/1999
International Patent Classification (IPC) or national classification and IPC C11D3/00		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 8 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☒ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 07/09/2000	Date of completion of this report 07.02.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Culmann, J-C Telephone No. +49 89 2399 8487 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/08031

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-25 as originally filed

Claims, No.:

1-11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/08031

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

II. Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☐ copy of the earlier application whose priority has been claimed.
 - ☐ translation of the earlier application whose priority has been claimed.
2. ☒ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid.

Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

**INTERNATIONAL PRELIMINARY
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- ☒ all parts.
- ☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 4,8-11
	No: Claims 1,2,3,5,6,7
Inventive step (IS)	Yes: Claims
	No: Claims 4,8-11
Industrial applicability (IA)	Yes: Claims 1-11
	No: Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/08031

HarCor#2

II. Priority

The priority document 60/126,072 from which the application claims the priority date of 25.03.99 relates to compositions comprising :

- 1 to 70% of a surfactant;
- 0.01 to 10% of a dye maintenance polymer or oligomer deriving from specific monoethylenically unsaturated monomers.

The subject-matter of the present invention does not relate **exclusively** to compositions comprising said dye maintenance polymer or oligomer.

Thus, the priority date of 25.03.99 cannot be acknowledged, only the filing date of the present application will be considered, i.e. 24.03.00.

IV. Lack of unity of invention

The following documents, not cited in the search report, are referred to herein:

EP-A-0 798 414
FR-A-2 041 667

Document EP-A-0 798 414 relates to a composition which improves the resistance of fabrics upon wearing, as well as the resistance to colour fading (see more particularly at column 3, lines 23). Compositions comprising cationic resins are recited.

The present application encompasses (broadly) several types of polymers, i.e., those having the units (I), and those having the units (II).

Even if the Applicant had overcome the objections of novelty raised below, and

succeeded in establishing the reality of the effect assigned to the polymers that he uses, said effect would have not formed the common inventive concept unifying the two types of compositions discussed above: this effect is known from this EP document.

Then, each type of composition is, on its own, an alternative over the compositions disclosed in the EP document. And, if their activity had been proven, each type of composition (depending on the polymer) would have been a non-obvious alternative over this EP document. Thus confirming the objection of lack of unity in the sense of Rule 13.1 PCT.

[The French document provides more details about the cationic polymer used in the EP document.]

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability

1. Novelty.

- 1.1. Document US-A-4 418 011 (see Example 11 which comprises Merquat 550) anticipates the subject-matter of claims 1, 3, 5, 6, and 7. The polymers used therein are intended to reduce the occurrence of static charges.
- 1.2. Document DE-A-196 49 288 (see the formulations containing the polymers P1 to P3 in the table on page 9) anticipates the subject-matter of claims 1, 2, 3, and 5. The polymers used therein are intended to prevent dye transfer occurrence.
- 1.3. Document US-A-5 783 533 relates to rheology modifying agents. Formulation 17 (see Table 2; it comprises about 37% by weight of surfactant and 0.56% of agent) anticipates the subject-matter of claims 1, 3 and 5.

2. Inventive step.

2.1. The Applicant has stated a problem (deterioration of fabric integrity).

But has not established that a composition, comprising the polymer defined in claim 1 item A), does solve it. The Applicant assigns a "dye protection" capacity to said polymer, but that is a mere allegation.

The Applicant was respectfully requested to submit convincing evidence in order to substantiate his allegation, by means of comparative tests, wherein a composition comprising one of said polymer is compared to a similar composition, but devoid of polymer.

2.2. The Applicant refrained to submit this evidence, the Examining Authority thus concludes that the problem actually faced by the Applicant is any one solved previously in the art (i.e. the problems faced in any of the documents cited below), and that the Applicant has merely used or slightly altered or better defined the polymers known in said prior art.

2.2.1. Document GB-A-2 104 091 relates to amphoteric polymers which enhance the cleaning action of the detergents which are present. Since it may not be determined whether polymers having a global positive charge are definitely synthesized (and have been used in the exemplifying compositions), no objection of lack of novelty is based on this citation.

2.2.2. The abstract from the data base WPI (abstract of JP 61 031499) does not anticipates the subject-matter of the present claims, for there is no specific, unambiguous disclosure of a composition falling within the ranges defined by the present claims. However, it relates to polymers, possibly encompassed by said claims, and which are intended to retard the detergent activity of a composition till the rinsing step.

2.2.3. No objection against the novelty of the subject-matter of the claims is raised on the basis of WO 98/16538, which relates to fabric softening compositions which comprise deposition aids, some of them falling within the various definitions of the "dye maintenance" material used in the present invention (see on page 36,

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FlocAid 34, Merquat 100; poly DMDAAC:EHA ex National Starch; Example 53).
These compositions may also comprise cationic surfactants (see Example 53).

2.2.4. WO 98/12292 relates to fabric softening compositions comprising a softening booster which may be polyvinylamine; some surfactant may also be present (up to 15%, see on page 19).

2.3. In the state of the file, it seems that the features encompassed by the claims which are novel are present for their known properties, and that there is no unexpected inter-relationship between them. Said claims are novel, but lack an inventive step.

2.4. See also above, the item IV. of this report.

VII. Certain defects in the international application.

Depending on the argumentation that the Applicant will submit upon entering the Regional Phase, US-A-4 418 011, DE-A-196 49 288, US-A-5 783 533, GB-A-2 104 091, JP 61 031499, WO 98/16538, WO 98/12292 and EP-A-0 798 414 might have to be cited and commented.

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EE	Estonia						

INTERNATIONAL SEARCH REPORT

Int. Application No

PCT/US 00/08031

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C11D3/00 C11D3/37

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
E	WO 00 22077 A (GOSSELINK EUGENE PAUL ;PANANDIKER RAJAN KESHAV (US); RANDALL SHERR) 20 April 2000 (2000-04-20) examples #19-31,34-39 of table III examples III-VI; tables III-VI claims 1-8	1-11
X	US 4 418 011 A (BAUMAN ROBERT A ET AL) 29 November 1983 (1983-11-29) claims 1,5,6,9,10; examples 1-4,7,8,11,12	1-3,5-7, 9
X	EP 0 754 748 A (PROCTER & GAMBLE) 22 January 1997 (1997-01-22) claims 1-6	1,5,8
	-/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

7 July 2000

Date of mailing of the international search report

19/07/2000

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INTERNATIONAL SEARCH REPORT

Int. l. Application No

PCT/US. 00/08031

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 196 49 288 A (HENKEL KGAA) 4 June 1998 (1998-06-04) page 4, line 33 - line 36; claims 1-7,13,14; examples; table 1	1-3,5
X	WO 98 12292 A (BAKER ELLEN SCHMIDT ;HARTMAN FREDERICK ANTHONY (US); PROCTER & GAM) 26 March 1998 (1998-03-26) claims 1,5; examples 1,2	1,3-5
X	GB 2 104 091 A (KAO CORP) 2 March 1983 (1983-03-02)	1-3,5,9
A	synthesis ex. 1, 2 page 3, line 42 - line 48; table 1	8
X	WO 98 16538 A (UNILEVER PLC ;GRAINGER DAVID STEPHEN (GB); UNILEVER NV (NL); KHAN) 23 April 1998 (1998-04-23) claim 1; examples 50F,51D	1-3,6,7
X	US 5 783 533 A (KENSICHER YVES ET AL) 21 July 1998 (1998-07-21) trial 9, 16, 17, 19 column 21, line 41 - line 44; claims 1,4,8,12,16,17; example 7; table 5	1-3,5
A	WO 99 05248 A (UNILEVER PLC ;UNILEVER NV (NL)) 4 February 1999 (1999-02-04) see Merquat 100, 280, 295, 550, 2200, plus 3330, plus 3331, S; Flocaid 19; Salcare SC 10 of pages 40-41 page 46, line 10 - line 17; claims 1-5; examples 1-3	1,3,5-7
X	DATABASE WPI Section Ch, Week 198613 Derwent Publications Ltd., London, GB; Class A97, AN 1986-085029 XP002140983 & JP 61 031499 A (LION CORP), 13 February 1986 (1986-02-13) abstract	1-3

INTERNATIONAL SEARCH REPORT

Information on patent family members

Int. Application No

PCT/US 00/08031

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0022077 A	20-04-2000	WO 0022078 A WO 0022075 A WO 0022079 A	20-04-2000 20-04-2000 20-04-2000
US 4418011 A	29-11-1983	AU 554970 B AU 1715183 A CA 1197355 A CH 670543 A DK 345383 A FR 2531450 A IT 1169070 B MX 158947 A ZA 8305225 A	11-09-1986 09-02-1984 03-12-1985 30-06-1989 04-02-1984 10-02-1984 27-05-1987 03-03-1989 27-03-1985
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DE 19649288 A	04-06-1998	WO 9823714 A EP 0944701 A	04-06-1998 29-09-1999
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GB 2104091 A	02-03-1983	JP 1055320 B JP 1569529 C JP 58013700 A HK 46788 A MY 54987 A SG 63187 G	24-11-1989 10-07-1990 26-01-1983 01-07-1988 31-12-1987 19-02-1988
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